(2)

Supreme Court, U.S.
FILED
MAR 17 2005
OFFICE OF THE CLERK

No. 04-862

In The

SUPREME COURT OF THE UNITED STATES

JEANNE BROWN and MASON BROWN,

Plaintiff/Appellant,

Vs.

PREMIERE DESIGNS, INC.

Defendant/Appellee.

PETTITION FOR REHEARING

JEANNE BROWN
MASON BROWN
5915 Mallory Road
College Park, GA 30349
404-668-0663
PLAINTIFF

MOTION FOR REHEARING

NOW Comes Petitioner's Jeanne and Mason Brown in the above styled case pray and respectfully request this Honorable Court as provided by and under Rule 44 paragraph 1 of this Rule for rehearing of an order denying a petition for a writ of certiorari timely filed with substantial grounds not previously presented including but not limited the clear violations of Georgia law governing the jurisdiction of courts. The Petitioner's rights were denied as the State court of Gwinnett County erred by overlooking and violating the system of rules and principles which originated in England as an alternative to harsh rules of common law and which were based on what was fair in a particular situation.

STATEMENT OF THE FACTS:

The term "equity" denotes the spirit and habit of fairness, justness and right dealing which has been violated as the State court of Gwinnett county has overlooked it's lack of jurisdiction and procedure to transfer the case to the appropriate Gwinnett County Superior Court. Gilles v. Department of Human Resources Development, 11 Cal.3d 313, 113 Cal.Rptr. 374, 380, 521 P.2d 110. Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory and methods from common law; though procedurally, in federal courts and most state courts, equitable and legal rights and remedies are administered in the same court. The State Court of Gwinnett County is not such a court with jurisdiction on matters of equity hence prohibited from awarding a judgment or order on the above styled case. The State Court of Gwinnett county erred by overlooking Georgia Law including but not limited to Rule 36 Transfer/Change of Venue, 36.1- Lack of Jurisdiction which is beyond the lower court the Court shall transfer

the case to a court with jurisdiction, which the State Court of Gwinnett denied the petitioners their rights as the State court has no jurisdiction and prohibited to order a judgment on matters of equity which the State Court erred by overlooking State law pertaining to court jurisdiction and denying the Brown's rights to a fair trail and legal proceeding. The erred judgment of the State Court of Gwinnett County if allowed to stand will corrupt Article III Section 2 of the Constitution rules of jurisdictions and operation of all courts under the rules of the Constitution and of this Honorable Court will set a precedent to undermine the jurisdiction of this Honorable court and the Constitution the United States of America.

CONCLUSION:

The violations of Article III, including but not limited to Section 2 of the US Constitution by the prohibited award and judgment of the State Court of Gwinnett County against the petitioners must be stricken and reversed in favor of the Petitioners by the Granting of the Petition for Writ of Certiorari 04-862 to preserve the sanctity of the US Constitution of the United States of America and all its inhabitants and disallow the unlawful precedent that the prohibited unconstitutional award and judgment ordered by the State Court of Gwinnett County without jurisdiction in violation of the Constitution in this case.

WHEREFORE, The lack of jurisdiction in "equity" matters overlooked and violated by the State Court of Gwinnett County's erred and prohibited award and judgment is entirely unconstitutional in violation of Article III including but not limited to Section 2 of the Constitution will adversely and unlawfully affect every judicial proceeding vested under this Honorable Court and Constitution the State Court of Gwinnett County award

and judgment must be stricken and reversed in favor of Petitioners and Grant Petitioner's Writ for Certiorari without delay.

Respectfully Submitted

_____

Jeanne and Mason Brown

The

SUPREME COURT OF THE UNITED STATES

JEANNE BROWN and MASON BROWN,

Petitioners,

v.

PREMIERE DESIGNS, INC.

Respondent.

PROOF OF SERVICE

We, Jeanne and Mason Brown, do swear or declare that on this date, March 15, 2005, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the united States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The name and addresses of those served are as follows:

March 15, 2005
Richard E. Witterman
2001 Macy Drive
Roswell, GA 30076
404-649-7796
GA Bar No. 772470

We declare under penalty of perjury that the forgoing is true and correct.

Executed on March 15, 2005

Respectfully Submitted

JEANNE BROWN
MASON BROWN
5915 Mallory Road
College Park, GA 30349
404-668-0663
Petitioners

ORIGINAL

Supreme Court, U.S.
FILED
MAR 17 2005
OFFICE OF THE CLERK

No. 04-862

IN THE

SUPREME COURT OF THE UNITED STATES

Jeannecard Mason BRAUN — PETITIONER
(Your Name)

VS.

Premiere Designs, INC — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a REHEARING without prepayment of costs and to proceed *in forma pauperis*.

[ ] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

[✓] Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Mason Braun
(Signature)

BEST AVAILABLE COPY

AFFIDAVIT OR DECLARATION (Amended)
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, MASON + JeanneBRAUN, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	$ 100	$	$	$
Self-employment	$	$ 1750	$	$
Income from real property (such as rental income)	$	$	$	$
Interest and dividends	$	$	$	$
Gifts	$	$	$	$
Alimony	$	$	$	$
Child Support	$	$	$	$
Retirement (such as social security, pensions, annuities, insurance)	$	$	$	$
Disability (such as social security, insurance payments)	$	$	$	$
Unemployment payments	$	$	$	$
Public-assistance (such as welfare)	$	$	$	$
Other (specify):	$	$	$	$
Total monthly income:	$ 100	$ 1750	$ 0	$ 1750

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Instant Tax Service	3819 Stellrd	2-4-05	$ 100 est
			$
			$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Self	7000 Tara	ongoing	$ 1750
			$
			$

4. How much cash do you and your spouse have? $ 60 est
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
Wamu	Checking	$ -117 00	$ 35
		$	$
		$	$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

[X] Home
Value 125,000 est

[ ] Other real estate
Value

[X] Motor Vehicle #1
Year, make & model 96 Jeep
Value 8000 est

[ ] Motor Vehicle #2
Year, make & model
Value

[ ] Other assets
Description
Value

	You	Your spouse
Transportation (not including motor vehicle payments)	$	$
Recreation, entertainment, newspapers, magazines, etc.	$ 30	$ 30
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's N/A	$	$
Life	$	$
Health	$	$
Motor Vehicle	$	$
Other:	$	$
Taxes (not deducted from wages or included in mortgage payments)		
(specify):	$	$
Installment payments		
Motor Vehicle	$	$
Credit card(s)	$	$
Department store(s)	$	$
Other:	$	$
Alimony, maintenance, and support paid to others	$	$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$	$
Other (specify):	$	$
Total monthly expenses:	$ 300	$ 2103.01

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	$	$
	$	$
	$	$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	$	$ 1003.01
Are real estate taxes included? ☐ Yes ☒ No Is property insurance included? ☐ Yes ☒ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ 100	$ 250
Home maintenance (repairs and upkeep)	$	$ 150
Food	$ 100	$ 400
Clothing	$ 50	$
Laundry and dry-cleaning	$ 20	$ 170
Medical and dental expenses	$	$ 100

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☑ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☑ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☑ Yes ☐ No

If yes, how much? Overnight Fee @ 13 plus

If yes, state the person's name, address, and telephone number:

US post office

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Our bills, expenses, legal cost and Recover from ID theft by Michael Kusterlitz dba Premere Designs is overwhelming

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 17, 2005

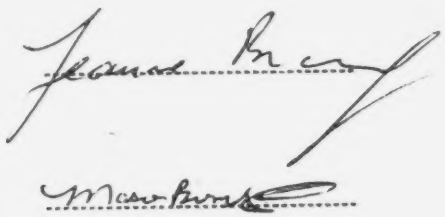
Mason Berg
(Signature)

04-842

RULE 44.2 CERTIFICATION OF COUNSEL

Pursuant to Rule 44.2, the grounds of this rehearing are limited to intervening circumstances of a controlling and substantial effect and to other grounds not previously presented.

It is presented in good faith and not for delay of the Court.



.....

RECEIVED
MAR 21 2005
OFFICE OF THE CLERK
SUPREME COURT, U.S.